

## REMARKS

Applicant, by the arguments and evidence presented herein, has made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance.

In the Office Action mailed November 16, 2009, the Examiner rejected the claims under Section 103, citing Japanese Patent Nos. 11-106570 (Yamamoto) and further in view of United States Patent No. 6,596,198 to Semen. Applicant respectfully requests reconsideration of the rejections.

The present application claims a method of manufacturing a polyolefin resin. Applicant has previously established that the selection of materials to manufacture a polyolefin-polyamide resin is not predictable. *See* Declaration of Norishige Kawaguchi, previously submitted in this application, at paragraph 10. Applicant notes that the Examiner did not dispute this conclusion.

In the view of the Examiner, a person of skill in the art would have included an antioxidant additive as taught by Semen in the polyolefin polymer as taught by Yamamoto. Applicant respectfully requests reconsideration of this conclusion. This conclusion contradicts the Supreme Court's ruling in *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398 (2007).

KSR mandates that the Patent Office consider a common-sense consideration of market forces when assessing the obviousness of a given prior art combination. It is axiomatic, of course, that there is no more fundamental market force than to be competitive - "competition" indeed defines the modern "market." To be competitive, in the context of the present matter, is to offer a product that can be made more efficiently, with less downtime to the equipment.

In the present matter, however, Semen is a distinctly non- competitive offering. Semen does refer to numerous antioxidants (although Semen does not suggest the combination of two antioxidants as claimed in the present matter). Semen recognizes, however, in the context of the problems that the inventor was trying to solve and for the materials being made, that increased temperatures caused by shear forces can cause the stabilizer, such as an antioxidant, to melt and fuse in the pellet mill, preventing the production of pellets. *See* Semen at column 1, lines 41-43. Semen solves this problem by addition of yet another material: “In order to avoid melting and fusing of the stabilizer in the pellet material, fatty acids, fatty alcohols, and/or their derivatives (sometimes collectively called “fatty acids”) having a relatively low melting point are added to the stabilizer. Certain fatty acids also function as mold release agents during polymer part forming processes, such as injection molding, thermoforming, and the like.” *See* column 1, lines 43-49.

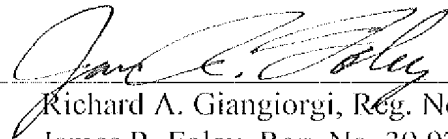
Accordingly, Semen describes a method that is unduly complex as compared to numerous other prior art offerings that are available to the skilled artisan. Such complexity, in turn, leads inexorably to increased cost of design and manufacture as well as reduced reliability and increased maintenance costs. Additional raw materials are necessary (fatty acids), additional material handling is necessary, additional mixing equipment is necessary. Being aware of such market forces, and employing good common sense as suggested by the Supreme Court in *KSR*, the skilled artisan will therefore have no reason to pursue consideration of the teachings of Semen. The Supreme Court's admonitions in *KSR* therefore clearly compel a conclusion that an obviousness finding cannot be fairly based upon a combination of Semen with Yamamoto.

In view of the above evidence and remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the present claims not be deemed adequate to effectively define the patentable subject matter, the Examiner is respectfully urged to call the undersigned attorney of record to discuss the claims in an effort to reach an agreement toward allowance of the present application.

Respectfully submitted,

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By: \_\_\_\_\_



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